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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,941	02/22/2000	Masato Ochiai	35.C14278	2960

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EXAMINER

ENGLAND, DAVID E.

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/507,941

Applicant(s)

OCHIAI, MASATO

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 6, 8 - 10, 12, 13, 15, 17, 19 - 21, 34 and 45 - 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6, 8 - 10, 12, 13, 15, 17, 19 - 21, 34 and 45 - 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 2, 4, 6, 8 – 10, 12, 13, 15, 17, 19 – 21, 34 and 45 – 49 are presented for examination.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 5, 6, 8, 12, 17, 19, 34, 47 and 49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation of “predetermined value” is not described in the specification nor does the specification state that a “predetermined value” has a connection to “data length” or “TTL”.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 2, 4, 5, 12, 13, 15, 34 and 47 – 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Beser U.S. Patent No. 6189102.

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5. Referencing claim 1, as interpreted by the Examiner, Beser teaches a network apparatus comprising:

6. a receiving unit adapted to receive data from a network by using a predetermined protocol, (e.g. col. 14, line 38 – col. 16, line 35);

7. a detecting unit adapted to receive a predetermined value in a packet header of the data received by said receiving unit, the packet header being provided for the predetermined protocol, (e.g. col. 14, line 38 – col. 16, line 35, “*HOPS 116, XID 118, FLAGS 122, TLV*”); and

8. a setting unit adapted to set a destination logic address of the received data as a logic address of said network apparatus in a case where the predetermined value is detected by said detecting unit and a destination physical address of the received data and a physical address of said network apparatus are the same, (e.g. col. 14, line 38 – col. 16, line 35, “*BOOTP*”).

9. Referencing claim 2, as interpreted by the Examiner, Beser teaches in a case where the destination logic address of the received data and the logic address of said network apparatus differ, the destination physical address of the received data and the physical address of said network apparatus are the same, and the predetermined value is detected by said detecting unit, said setting unit sets the destination logic address of the received data as logic address of said network, (e.g. col. 14, line 38 – col. 16, line 35, “*BOOTP*”).

10. Referencing claim 4, Beser said physical address is a media access control address, and the logic address is an Internet protocol address, (e.g. col. 14, line 38 – col. 16, line 35 & col. 18, line 49 – col. 19, line 16).

11. Claims 12, 13, 15, 34 and 47 – 49 are rejected for similar reasons as stated above.
12. Claims 45 and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Nixon et al. U.S. Patent No. 6266726 (hereinafter Nixon).
13. Referencing claim 45, Nixon teaches a network apparatus comprising:
 14. a receiving unit adapted to receive data from a network by using a predetermined protocol, (e.g. col. 25, lines 31 – 55, *"Cards, Ports and devices"*);
 15. a detecting unit adapted to receive a predetermined value in a packet header of the data received by said receiving unit, the packet header being provided for the predetermined protocol, (e.g. col. 26, line 24 – col. 27, line18, *"UDP datagram"*); and
 16. a setting unit adapted to set a factory-based value in a case where the predetermined value is detected by said detecting unit and a destination physical address of the received data and a physical address of the network apparatus are the same, (e.g. col. 26, line 24 – col. 27, line18, *"UDP datagram, default primary address"*).
17. Reverencing claim 46, Nixon teaches said setting unit sets the factory-based value if the destination physical address of the received data and the physical address of said network apparatus are the same and the predetermined value is detected by said detecting unit, (e.g. col. 26, line 24 – col. 27, line18, *"UDP datagram, default primary address"*).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 6, 8 – 10, 17 and 19 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beser (6189102) in view of Anderson et al. (5850388) (hereinafter Anderson).

20. Referencing claim 6, Beser does not specifically teach the received data is an ICMP echo message by an ICMP protocol and the predetermined value indicates a data length of the ICMP echo message. Anderson teaches the received data is an ICMP echo message by an ICMP protocol and the predetermined value indicates a data length of the ICMP echo message, (e.g. col. 12, lines 22 – 56 & col. 20, line 54 – col. 21, line 30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Anderson with Beser because it would be more efficient for a system to not have to shut down an end system and turn back on to receive a new IP address as with the functionality of BOOTP. Using an ICMP echo would allow a user to keep the end system on and receive a new IP address with out the burden of turning the end system off. Furthermore, utilizing a data length, sometimes known as a “checksum” or “CRC”, allows the end system to check for errors in the packet if the data length is not to a predetermined length.

21. As per claim 8, Beser does not teach the predetermined value indicates a TTL value of the received data. Anderson teaches the predetermined value indicates a TTL value of the received data, (e.g. col. 21, line 59 – col. 22, line 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Anderson with Beser because it is more efficient for a packet to have a TTL field in a packet so if the packet is taking too long to be transmitted through the Internet the packet could be dropped and aid in congestion control in a network.

22. Claims 9, 10, 17, 19 – 21 and 42 are rejected for similar reasons stated above.

Conclusion

23. Applicant's arguments with respect to claims 1, 2, 4, 6, 8 – 10, 12, 13, 15, 17, 19 – 21, 34 and 45 – 49 have been considered but are moot in view of the new ground(s) of rejection.

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

25. a. Alkhatib et al. U.S. Patent No. 6532217 discloses System for automatically determining a network address.

26. b. Mellquist U.S. Patent No. 6115545 discloses Automatic internet protocol (IP) address allocation and assignment.

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27. c. RFC 1931 discloses Dynamic RARP Extensions for Automatic Network Address Acquisition.

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333. The examiner can normally be reached on Mon-Thur, 7:00-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De



DAVID WILEY
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